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Paper No.

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OFFICE OF PETITIONS

In re Patent No. 7,647,184 : DECISION ON REQUEST
Vega et al. : FOR
Issue Date: January 12, 2010 : RECONSIDERATION OF
Application No. 10/022,249 : PATENT TERM ADJUSTMENT
Filed: December 17, 2001 : and
Atty Docket No. 3800073.00002 : NOTICE OF INTENT TO ISSUE
/ 911 : CERTIFICATE OF CORRECTION

This is a decision on the petition filed on March 12, 2010, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by **two hundred thirty-four (234)** days. This petition was recently forwarded to the undersigned for consideration.

The petition to correct the patent term adjustment indicated on the above-identified patent is **GRANTED to the extent indicated herein**. The patent term adjustment is corrected to indicate that the term of the above-identified patent is extended or adjusted by **two hundred thirty-two (232)** days.

As the period from the filing date of the request for continued examination (RCE) to the issue date of the patent is not included in the "B" delay period, the over three year period begins on the day after the three year anniversary of the filing date of this application, December 18, 2004 and ends on August 30, 2005, the day before the RCE was filed. See 35 U.S.C. 154(b)(1)(B)(i). Thus, the over 3 year period is 256 not 258 days.

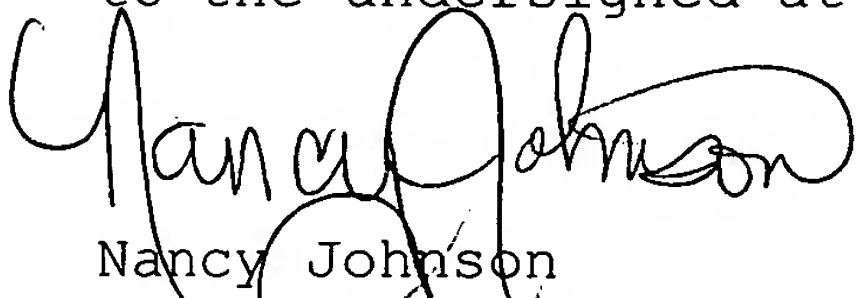
Patentee further argues that no reduction is warranted for the copies of previously-filed IDSs filed as a Comment on the Statements of the Reasons for Allowance. The record has been reviewed and patentee's argument has been found persuasive as the IDSs were previously-filed prior to the mailing of the notice of allowance. The period of reduction of 10 days entered pursuant to 37 CFR 1.704(c)(10) is removed. As such, the patent term adjustment is increased to 232 days.

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **two hundred thirty-two (232) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,647,184 B2

DATED : January 12, 2010

DRAFT

INVENTOR(S) : Vega et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 0 days

Delete the phrase "by 0 days" and insert – by 232 days--